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SUPPLEMENT TO THE FEDERATED MALAY STATES GOVERNMENT GAZETTE

OF FRIDAY, THE 14TH OF JULY, 1922.
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PUBLISHED BY AUTHORITY.

SATURDAY, 15TH JULY, 1922.

The following Notifications are, by direction of the Chief Secretary to Government, published for general information.

C. W. H. COCHRANE,
Acting Under Secretary, F.M.S.

No. 4363.—The following Enactment, passed at a meeting of the Federal Council held on the 19th June, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 8 OF 1922.

An Enactment to further amend the Secretary for
Chinese Affairs Enactments, 1899.

F. S. JAMES,
President of the Federal Council.

[4th July, 1922.]

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

1. (i) This Enactment may be cited as "The Secretary for Chinese Affairs Enactments, 1899, Amendment Enactment, 1922," and shall come into force on the publication thereof in the *Gazette*.

Short title,
commencement
and construc-
tion.

(ii) This Enactment shall be read and construed as one with the Enactments specified in the schedule, which are hereinafter called the "principal Enactments," and any copies of the principal Enactments printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

2. Sub-section (ii) of section 18 of the principal Enactments is amended by deleting the words "according to the scale of stamp fees laid down in the form E (ii) in the schedule" in the fourth and fifth lines thereof and substituting therefor the words "the fee prescribed".

Amendment of
section 18 (ii).

3. Sub-section (iv) of section 26 of the principal Enactments is amended by deleting the words "a stamp fee of twenty-five cents" in the first line thereof, and substituting therefor the words "the prescribed fee".

Amendment of
section 26 (iv).

4. Section 27 of the principal Enactments is amended

Amendment of
section 27.

(a) by inserting after the word "Secretary" in the third line of sub-section (ii) the words "upon payment of the prescribed fee", and

(b) by deleting sub-section (iii) and re-numbering sub-sections (iv), (v) and (vi) as sub-sections (iii), (iv) and (v) respectively.

5. Section 34 of the principal Enactment is amended by inserting after the word "photographed" in line 4 the words "or his finger impressions taken or both".

Amendment of
section 34.

6. Sub-section (iii) of section 35 of the principal Enactments is amended by deleting the words "a stamp fee of five dollars" in the last line thereof and by substituting therefor the words "the prescribed fee".

Amendment of
section 35 (iii).

7. Immediately after section 37 of the principal Enactments there is inserted a new section as follows :

New section
37A.

"37A. It shall be lawful for the Resident, with the approval of the Chief Secretary to Government, by rule published in the *Gazette* from time to time to prescribe the fees to be paid under this Enactment and the manner of payment of such fees."

8. Form E (ii) in the schedule to the principal Enactments is repealed.

Repeal of form
E (ii).

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SCHEDULE.
PRINCIPAL ENACTMENTS.

State.	No. and year.	Short title.
Perak	7 of 1899 ...	Secretary for Chinese Affairs Enactment, 1899
Selangor	8 " ...	" "
Negri Sembilan	13 " ...	" "
Pahang 	19 " ...	" "

Passed this 19th day of June, 1922.

A. CALDECOTT,
Clerk of Council.

No. 4364.—The following Enactment, passed at a meeting of the Federal Council held on the 20th June, 1922, is published for general information:

FEDERATED MALAY STATES.

ENACTMENT No. 12 OF 1922.

An Enactment to impose Restrictions on Aliens.

F. S. JAMES,

[8th July, 1922.]

President of the Federal Council.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows:

1. (i) This Enactment may be cited as "The Aliens Restriction Enactment, 1922," and shall come into force upon the publication thereof in the *Gazette*. Short title, commencement and repeal.

(ii) Upon the coming into force of this Enactment the Enactment specified in the schedule shall be repealed.

2. In this Enactment—

Interpretation.

"Chief Secretary" means the Chief Secretary to Government, Federated Malay States.

"Alien" means any person other than a British subject or a subject of the Ruler of any of the Federated Malay States.

"Former Enemy Alien" means an alien who is a subject or citizen of the German Empire or any component State thereof, or of Austria, Hungary, Bulgaria, or Turkey, or who, having at any time been such subject or citizen, has not changed his allegiance as a result of the recognition of new States or territorial re-arrangements, or been naturalised in any other foreign State or in any British Possession in accordance with the laws thereof and when actually resident therein, and does not retain according to the law of his State of origin the nationality of that State.

Provided that the provisions of this Enactment as to former enemy aliens shall not apply to any woman who was at the time of her marriage a British subject.

"Boarding Officer" means any person holding the appointment of boarding officer in the Marine Department of any State.

"Police Officer" means any member of the Police Force not below the rank of Sub-Inspector.

3. Any alien arriving in or departing from the Federated Malay States shall, on being required so to do by a Boarding Officer or Police Officer acting under general or special directions of the Officer in charge of the Marine Department or of the Chief Police Officer of any State, make a declaration as to whether or not he is carrying or conveying any letters, written messages or memoranda, or any written or printed matter, including plans, photographs and other pictorial representations, and if so required shall produce to such officer any such letters, messages, memoranda, or written or printed matter, and such officer may search any such alien and any baggage belonging to him or under his control with a view to ascertaining whether the alien is carrying or conveying any such letters, messages, Detention of written or printed matter, or plans in possession of alien arriving in or departing from the Federated Malay States.

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memoranda or written or printed matter, and may examine and detain for such time as he may think proper for the purpose of such examination, any letters, messages, memoranda or written or printed matter produced to him or found on such search.

Alien prohibited
from holding
pilotage licence.

4. No alien shall hold a pilotage licence for any pilotage district in the Federated Malay States.

Restriction of
change of name
by aliens.

5. (i) An alien shall not for any purpose assume or use or purport to assume or use or continue after the commencement of this Enactment the assumption or use of any name other than that by which he was ordinarily known on the 4th day of August, 1914.

(ii) Where any alien carries on or purports or continues to carry on, or is a member of a partnership or firm which carries on, or which purports or continues to carry on any trade or business in any name other than that under which the trade or business was carried on on the 4th day of August, 1914, he shall, for the purposes of this section, be deemed to be using or purporting or continuing to use a name other than that by which he was ordinarily known on the said date.

(iii) The Chief Secretary may, if it appears desirable on special grounds in any particular case, grant an exemption from the provisions of this section, but shall not do so unless he is satisfied that the name proposed to be assumed, used, or continued is in the circumstances of the case a suitable name.

(iv) Nothing in this section shall—

(a) affect the assumption or use or continued assumption or use of any name in pursuance of a royal licence; or

(b) affect the continuance of the use by any person of a name which he has assumed before the commencement of this Enactment if he has been granted an exemption under "The Change of Names Enactment, 1919"; or

(c) prevent the assumption or use by a married woman of her husband's name.

(v) A fee of ninety dollars shall be paid by any alien on obtaining an exemption under this section: but the Chief Secretary may remit the whole or any part of such fee in special cases.

(vi) A list of the persons to whom the Chief Secretary has granted an exemption under this section shall be published in the *Gazette* as soon as may be after the granting of the exemption.

(vii) Any person to whom any such exemption is granted shall, unless the Chief Secretary shall expressly dispense with such publication, within one calendar month thereafter publish at his own expense, in some paper circulating in the State in which he resides, an advertisement stating the fact that the exemption has been granted.

Temporary
restriction on
acquisition by
former enemy
alien of certain
kinds of
property.

6. (i) During a period of three years from the commencement of this Enactment it shall not be lawful for a former enemy alien, either in his own name or in the name of a trustee or trustees, to acquire property of any of the following descriptions, that is to say—

(a) any land, or any interest in any land, in the Federated Malay States; or

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- (b) any interest in a key industry, or any share or interest in a share in a company registered in the Federated Malay States which carries on any such industry.

(ii) If any such property as aforesaid is acquired in contravention of this section the Chief Secretary may by order vest the property in the Public Trustee, and may by such order or any subsequent order confer on the Public Trustee such powers of selling, managing or otherwise dealing with the property as to the Chief Secretary may seem proper.

A vesting order under this section shall have the same effect as if the person whose property is thereby vested in the Public Trustee had executed an assignment thereof to the Public Trustee, and shall be sufficient to vest the property in the Public Trustee without the necessity of any further conveyance, assurance or document.

(iii) For the purposes of this section—

“Key industry” means any industry included in a list declared by the Chief Secretary to be a list of key industries for the purposes of this section;

“Share” includes any stock forming part of the capital of a company and securities of any description issued by a company;

“Interest in land” does not include a tenancy for a period not exceeding three years.

(iv) Any list of key industries prepared by the Chief Secretary under this section shall be published in the *Gazette*, and may be varied or amended by the Chief Secretary from time to time.

7. (i) Any person who acts in contravention of or fails to comply with any of the provisions of this Enactment shall be guilty of an offence against this Enactment. Offences and penalties.

(ii) Any person who aids or abets any person in the commission of any offence against this Enactment or knowingly harbours any person whom he knows or has reasonable grounds for supposing to have committed an offence under this Enactment shall be deemed himself to be guilty of an offence against this Enactment.

(iii) A person who is guilty of an offence against this Enactment shall be liable on conviction before a Court of a Magistrate of the First Class to a fine not exceeding five hundred dollars or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment, and in the case of a second or subsequent conviction the imprisonment may extend to twelve months.

8. The Chief Secretary may by notification in the *Gazette* exempt any person or class of persons from all or any of the provisions of this Enactment. Exemption.

9. If any question arises under this Enactment whether any person is an alien or former enemy alien, the onus of proving that that person is not an alien or former enemy alien shall be upon that person. Onus of proof.

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SCHEDULE.
ENACTMENT REPEALED.

No. and year.	Short title.
3 of 1919	The Change of Names Enactment, 1919.

Passed this 20th day of June, 1922.

A. CALDECOTT,
Clerk of Council.

No. 4365.—The following Enactment, passed at a meeting of the Federal Council held on the 20th June, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 13 OF 1922.

An Enactment to repeal and re-enact, with amendments,
the law relating to the Registration of Bills of Sale.

F. S. JAMES,

[8th July, 1922.]

President of the Federal Council.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

1. (i) This Enactment may be cited as "The Bills of Sale Enactment, 1922," and shall come into force on the publication thereof in the *Gazette*. Short title, commencement and repeal.

(ii) Upon the coming into force of this Enactment the Enactment specified in the first schedule shall be repealed; provided that every registration and renewal of registration and transfer effected under the Enactment hereby repealed which was in force and valid immediately prior to the commencement of this Enactment shall, so far as is not inconsistent with the provisions of this Enactment, be deemed to have been effected under this Enactment.

2. This Enactment shall apply to every bill of sale (whether the same is absolute or subject or not subject to any trust) whereby the holder or grantee has power, either with or without notice and immediately or at any future time, to seize or take possession of any personal chattels comprised in or made subject to such bill of sale, but shall not, except as in this Enactment expressly mentioned, apply to any mortgages, charges or debentures issued by any incorporated company and secured upon the stock or goods, chattels and effects of such company. Application of Enactment.

3. In this Enactment, unless there is something repugnant in the subject or context— Interpretation.

"Bill of sale" includes bills of sale, assignments, transfers, declarations of trust without transfer, inventories of goods with receipt thereto attached or receipt for purchase money of goods and other assurances of personal chattels, and also powers of attorney, authorities or licences to take possession of personal chattels as security for any debt, and also any agreement, whether intended or not to be followed by the execution of any other instrument by which a right in equity to any personal chattels or to any charge or security thereon shall be conferred, but does not include the following documents :

- (a) Assignments for the benefit of the creditors of the person making or giving the same,
- (b) ante-nuptial marriage settlements,
- (c) transfers or assignments of any ship or vessel or share thereof,
- (d) transfers of goods in the ordinary course of business of any trade or calling,
- (e) bills of sale of goods in foreign ports or at sea,

(f) bills of lading, warehouse-keeper's certificates, warrants or orders for the delivery of goods or any other documents used in the ordinary course of business as proof of the possession or control of goods or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such documents to transfer or receive goods thereby represented;

"Bill of sale" also includes as regards any personal chattels which may be seized or taken thereunder every attornment, instrument or agreement whereby a power of distress is given or agreed to be given by any person to any other person by way of security for any debt or advance, and whereby any rent is reserved or made payable as a mode of providing for the payment of interest on such debt or advance or otherwise for the purpose of such security only, but does not include or extend to any charge of any land which the chargee being in possession demises to the chargor as his tenant at a fair and reasonable rent;

"Bill of sale" also includes agreements for the hire of personal chattels entered into for the purpose of securing the repayment to the lessor of such chattels of money advanced by him to the hirer; and the hirer shall in every such case be deemed to be the grantor of the bill of sale and the lessor shall be deemed to be the grantee thereof;

"Personal chattels" means goods, furniture and other articles capable of complete transfer by delivery and trade machinery as hereinafter defined, and, when separately assigned or charged, fixtures and growing crops; but does not include fixtures, except trade machinery as hereinafter defined, when assigned together with any land or building to which they are affixed, nor growing crops when assigned together with any land on which they grow, nor shares or interests in the stocks, funds or securities of any Government or in the capital or property of incorporated or joint-stock companies nor *choses in action*;

"Trade machinery" means the machinery used in or attached to any factory or workshop exclusive of

- (a) the fixed motive powers such as the water-wheels and steam-engines and the steam-boilers, donkey-engines, and other fixed appurtenances of the said motive powers;
- (b) the fixed power machinery such as the shafts, wheels, drums and their fixed appurtenances which transmit the action of the motive powers to the other machinery fixed and loose and;
- (c) the pipes for steam, gas and water in the factory or workshop;

"Factory or workshop" means any premises on which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes or any of them:

- (a) the making any article or part of an article; or
- (b) the altering, repairing, ornamenting or finishing of any article; or
- (c) the adapting for sale any article;

No fixtures or growing crops shall be deemed to be "separately assigned or charged" by reason only that they are assigned by separate words, or that power is given to sever them from the land or

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building to which they are affixed or from the land on which they grow, without otherwise taking possession of or dealing with such land or building if by the same instrument any interest in the land or building to which such fixtures are affixed or in the land on which such crops grow is also conveyed to the same person or persons;

“Magistrate” means a Magistrate of the First Class.

4. (i) Every bill of sale shall be attested and registered as provided in this Enactment and shall truly set forth the consideration for which it was given, otherwise the following consequences shall ensue:

Bill of sale to be void under certain circumstances unless attested and registered.

- (a) in the case of a bill of sale made or given by way of security for the payment of money by the grantor thereof, such bill of sale shall be void in respect of the personal chattels comprised therein; and
- (b) in the case of any other bill of sale it shall as against all trustees or assignees of the estate of the person whose chattels or any of them are comprised in such bill of sale under the law of bankruptcy or liquidation or under any assignment for the benefit of the creditors of such person, and also as against all bailiffs and other persons seizing any chattels comprised in such bill of sale in the execution of any process of any Court authorizing the seizure of the chattels of the person by whom or of whose chattels such bill has been made, and also as against every person on whose behalf such process shall have been issued be deemed fraudulent and void so far as regards the property in or right to the possession of any chattels comprised in such bill of sale which at or after the time of filing the petition for bankruptcy or liquidation or of the execution of such assignment or of executing such process, as the case may be, and after the expiration of seven days after the execution of such bill of sale are in the possession or apparent possession of the person making such bill of sale or of any person against whom the process has issued under or in the execution of which such bill has been made or given as the case may be.

(ii) Personal chattels shall be deemed to be in the “apparent possession” of the person making or giving a bill of sale so long as they remain or are in or upon any house, warehouse, shop, building, vessel, works, yard, land or other premises occupied by him, or are used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken or given by or to any other person.

(iii) Personal chattels comprised in a valid bill of sale which is duly attested and registered under this Enactment shall not, so long as such bill of sale continues to be duly registered under this Enactment, be deemed to be in the possession, order or disposition of the grantor of the bill of sale within the meaning of the law of bankruptcy.

(iv) Sub-section (iii) shall not apply to personal chattels in the possession, order or disposition of the grantor in his trade or business.

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Bill of sale to be accompanied by schedule of property.

5. (i) Every bill of sale shall have annexed thereto or written thereon a schedule containing an inventory of the personal chattels comprised in the bill of sale, and such bill of sale, save as hereinafter mentioned, shall have effect only in respect of the personal chattels specifically described in the said schedule and shall be void in respect of any personal chattels not so specifically described.

(ii) Save as hereinafter mentioned every bill of sale shall be void except as against the grantor in respect of any personal chattels specifically described in the schedule thereto of which the grantor was not the true owner at the time of the execution of the bill of sale.

(iii) Nothing in this section shall render a bill of sale void in respect of any of the following things :

- (a) any growing crops separately assigned or charged where such crops were actually growing at the time when the bill of sale was executed ;
- (b) any fixtures separately assigned or charged and any plant or trade machinery where such fixtures, plant or trade machinery are used in, attached to, or brought upon any land, plantation, factory, workshop, warehouse or other place in substitution for any of the like fixtures, plant or trade machinery specifically described in the schedule to such bill of sale.

Bill of sale given by way of security void in certain cases.

6. Subject and without prejudice to the other provisions of this Enactment for invalidating bills of sale, every bill of sale made or given by way of security for the payment of money by the grantor thereof shall be void in the following cases :

- (a) if the amount the payment of which is thereby secured is less than one hundred dollars ; or
- (b) if it is not made in the form A in the second schedule.

Bill of sale not to protect chattels against rates.

7. A bill of sale made or given by way of security for the payment of money by the grantor thereof shall be no protection against a distress for the recovery of rent or municipal or Sanitary Board rates or assessments.

Execution and registration of bills of sale given by way of security.

8. (i) Every bill of sale made or given by way of security for the payment of money by the grantor thereof shall be executed in duplicate and shall be registered in the manner following in the Court of a Magistrate within the local limits of which, as defined under, or otherwise recognized by, "The Civil Procedure Code, 1918," the property assigned by the bill of sale is at the time of registration situate.

(ii) The original and duplicate bill of sale, after being completed except for execution and attestation and after being stamped in accordance with the law for the time being in force relating to stamp duties, shall be brought by the parties concerned, or their duly authorized agents, before the presiding Magistrate of the Court, who shall compare the documents and witness the signature of the borrower, or his agent, to be made in his presence to both the original and duplicate.

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(iii) If the Magistrate is of opinion that the property scheduled in any bill of sale is not sufficiently described therein, he shall refuse to register the same until such further particulars shall have been added as may be sufficient to clearly identify the property scheduled, and may, if it appears to him necessary or expedient for such clear identification, require or cause the property to be marked or branded with some permanent mark but in such manner as not to injure or disfigure the same. All things required by the Magistrate to be added or done under the provisions of this sub-section shall be added or done within seven days after the bringing of the bill of sale before the Magistrate under the provisions of sub-section (ii).

(iv) When the requirements of sub-sections (ii) and (iii) have been complied with, the Magistrate shall file the duplicate bill of sale in the Court, and thereafter the security thereunder shall, subject to the provisions of section 15, be deemed to hold good until discharged in one of the manners in section 11 referred to.

9. (i) Every other bill of sale shall be attested and registered as in this section provided.

Mode of
registering
other bills of
sale.

(ii) The execution by the grantor of every bill of sale shall be attested

(a) by an advocate and solicitor of the Supreme Court not being the advocate and solicitor of the grantee; or

(b) by a Magistrate or by a Registrar or Assistant Registrar of the Supreme Court;

who shall personally explain to the grantor the effect thereof, and the attestation shall state that before the execution of the bill of sale the effect thereof was so explained as aforesaid.

(iii) Such bill, with every schedule or inventory thereto annexed, and also a duplicate of such bill and of every such schedule or inventory and of every attestation of the execution of such bill, together with a statutory declaration of the time when such bill was executed by the grantor and of its due execution and attestation which declaration may be in form B or form C in the second schedule and a description of the residence and occupation of the grantor, or in case the same is made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process issued, and of the grantee, and of every attesting witness to such bill, shall be presented to, and the said duplicate and declaration shall within seven clear days after the execution by the grantor of such bill be filed in the Court of a Magistrate within the local limits of which as defined under or otherwise recognized by "The Civil Procedure Code, 1918," the property comprised in the bill of sale is at the time of registration situate.

10. If the bill of sale is made or given subject to any defeasance or condition or declaration of trust not contained in the body thereof, such defeasance, condition or declaration shall be deemed to be part of the bill and shall be written on the same paper therewith before the registration, and shall be truly set forth in the duplicate filed under this Enactment therewith and as part thereof, otherwise the registration shall be void.

Defeasance or
condition to be
included in bill
of sale.

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Manner of
discharge of
bills of sale
given by way of
security.

11. Bills of sale made or given by way of security for the payment of money by the grantor may be discharged

- (a) by an acknowledgment, signed by the lender or his duly authorized agent upon the back of the original bill of sale and attested by a Magistrate or an advocate and solicitor of the Supreme Court, that the money secured has been duly received or that the obligation has otherwise been duly met;
- (b) by the seizure and sale of the property scheduled in the bill of sale by order of a competent Court made upon the hearing of a summons to the maker of the bill of sale to show cause against such seizure and sale;
- (c) on such other terms as a competent Court may consider to meet the justice of the case.

Procedure on
discharge.

12. When a bill of sale has been duly discharged by any of the above-mentioned methods, it shall be the duty of the presiding Magistrate of the Court wherein the bill of sale is registered to write the word "discharged," with his signature and official title, across the face of both the original and the duplicate bill of sale (the original being brought to him for the purpose) and to file both the original and the duplicate in the Court.

Procedure on
payment of
instalment.

13. When any part-payment is made in respect of money secured by a bill of sale, a written acknowledgment of the same shall be signed by the lender, or his duly authorized agent, upon the back of the original and duplicate bill of sale, and such signature shall be attested by a Magistrate or an advocate and solicitor of the Supreme Court.

Stamp-duty on
receipts.

14. No receipt given for any payment or part-payment under this Enactment shall be exempt from stamp-duty by reason of being endorsed on the bill of sale; but where a receipt is given in duplicate under section 13 and the one which is endorsed upon the original bill of sale is duly stamped, that which is endorsed upon the duplicate bill of sale shall be exempt from stamp-duty.

Renewal of
registration.

15. (i) The registration of every bill of sale must be renewed at least once in every twelve calendar months, and if a period of twelve calendar months elapses from the date of registration or last renewed registration of a bill of sale without a renewal or further renewal (as the case may be) the bill of sale shall become void.

(ii) The renewal of registration shall be effected by filing in the Court in which the bill of sale is registered a declaration in the form D in the second schedule, which shall be attached to the duplicate bill of sale filed in the Court.

Transfer.

16. Transfer of a registered bill of sale shall be effected by filing in the Court in which the bill of sale is registered a declaration in the form E in the second schedule, and such transfer shall be duly recorded in the Court.

Office copies
and extracts.

17. Any person shall be entitled to have an office copy of, or extract from, any registered bill of sale or filed declaration of renewal or transfer upon payment for the same at the rate of seventy-five cents for every folio of one hundred words, and such copy shall be *prima facie* evidence of the original and of the fact and date of registration or filing as shown therein.

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18. Any person shall be entitled to search the file of existing securities upon payment of a fee of one dollar for each document searched for.

Search.
19. A filing fee of one dollar shall be payable in every case of registration, renewal of registration, or transfer, of a bill of sale.

Filing fee.
20. No bill of sale shall be admissible in evidence or be deemed to be valid in any Court unless duly registered in accordance with the provisions of this Enactment.

Bill of sale not admissible in evidence unless registered.
21. Notwithstanding anything herein before contained, a Judicial Commissioner, on being satisfied that the omission to register a bill of sale or to renew the registration thereof within the prescribed time or to file a declaration of transfer in the prescribed form was accidental or due to inadvertence or to absence from the Federated Malay States, may, in his discretion, order such omission to be rectified on such terms and conditions (if any) as to security, notice by advertisement or otherwise, or as to any other matter, as he may think fit to direct.

Rectification by order of Judicial Commissioner.
22. A Judicial Commissioner may order a memorandum of satisfaction to be written on any registered duplicate of a bill of sale upon being satisfied that the debt, if any, for which such bill was made or given has been satisfied or discharged.

Entry of satisfaction.
23. Any person who shall wilfully obliterate, deface, alter or counterfeit any mark or brand placed upon any property under the provisions of section 8 (iii) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred dollars.

Penalty for interference with mark.
24. In any State the Resident may by notification in the *Gazette* appoint any person, either by name or office, to exercise and perform in any place all or any of the powers and duties conferred and imposed by this Enactment on a Magistrate and may at any time in like manner revoke any such appointment. While any such appointment remains in force, any act or thing done by the person appointed which he is empowered by such appointment to do shall have the same force and effect as if the same had been done by a Magistrate.

Exercise of powers of Magistrate by persons specially appointed.

THE FIRST SCHEDULE.
ENACTMENT REPEALED.

No. and year.	Short title.
26 of 1919	The Bills of Sale Enactment, 1919

THE SECOND SCHEDULE.

FORM A.
BILL OF SALE.

These Presents made the.....day of....., 19...., between A.B. of.....of the one part and C.D. of.....of the other part, witness that in consideration of the sum of.....dollars now paid to A.B. by C.D. the receipt of which the said A.B. hereby acknowledges [*or whatever else the consideration may be*], he the said A.B., doth hereby assign unto C.D., his executors, administrators, and assigns, all and singular the several chattels and things specified in the schedule hereto annexed by way of security for the payment of the sum of.....dollars, and interest thereon [*if interest is payable*] at the rate of.....per centum per annum [*or whatever else may be the rate*]. And the

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said A.B. doth further agree and declare that he will duly pay to the said C.D. the principal sum aforesaid, together with [*if interest is payable*] the interest then due, by equal.....payments of.....dollars on the.....day of..... [*or whatever else may be the stipulated times or time of payment*]. And the said A.B. doth also agree with the said C.D. that he will [*here insert terms as to insurance, payment of rent, or otherwise, which the parties may agree to for the maintenance or defeasance of the security*].

Provided always, that the chattels hereby assigned shall not be liable to seizure or to be taken possession of by the said C.D. for any cause other than by order of the Court.

In witness, etc.

Signed and sealed by the said A.B. in the presence of me, E.F. [*add witness's name, address, and description*] after I have fully explained to the said A.B. the nature and effect hereof.

FORM B.

DECLARATION ON REGISTRATION OF BILL OF SALE ATTESTED
BY AN ADVOCATE AND SOLICITOR.

I,....., of....., do solemnly and sincerely declare as follows:

1. The paper writing hereto annexed and marked "A" is a true copy of the bill of sale and of every schedule or inventory thereto annexed or therein referred to and of every attestation of the execution thereof as made and given and executed by ⁽¹⁾.

⁽¹⁾ i.e. the grantor.

2. The said bill of sale was made and given by the said ⁽¹⁾..... on the.....day of....., 19...., to ⁽²⁾.

⁽²⁾ i.e. the grantee.

3. I was present and saw the said ⁽¹⁾.....duly execute the said bill of sale on the said.....day of....., 19....

4. The said ⁽¹⁾.....resides at [*state residence at time of making the declaration*] and is [*state occupation*].

5. The said ⁽²⁾.....resides at [*state residence at time of making the declaration*] and is [*state occupation*].

6. The name.....subscribed to the said bill of sale as that of the witness attesting the due execution thereof is in the proper handwriting of this declarant.

7. I am an advocate and solicitor of the Supreme Court and reside at.....

8. Before the execution of the said bill of sale by the said ⁽¹⁾.....I fully explained to him [*or her*] the nature and effect thereof.

9. The said bill of sale was not prepared by me or by any person in my employment, nor am I the advocate and solicitor of the grantee thereof.

10. I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Enactment, 1899.

Subscribed and solemnly declared
by the above-named.....at.....in
the State of.....this.....day of
....., 19....

Before me

.....
Magistrate.

BILLS OF SALE.

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FORM C.

DECLARATION ON REGISTRATION OF A BILL OF SALE
NOT ATTESTED BY AN ADVOCATE AND SOLICITOR.

I,, of, do solemnly and sincerely declare as follows:

1. The paper writing hereto annexed and marked "A" is a true copy of a bill of sale and of every schedule or inventory thereto annexed or therein referred to and of every attestation of the execution thereof as made and given and executed by ⁽¹⁾.

⁽¹⁾ i.e. the grantor.

2. The said bill of sale was made and given by the said ⁽¹⁾ on the day of, 19...., to ⁽²⁾.

⁽²⁾ i.e. the grantee.

3. I was present and saw the said ⁽¹⁾ duly execute the said bill of sale on the said day of, 19....

4. The said ⁽¹⁾ resides at [state residence at time of making the declaration] and is [state occupation].

5. The said ⁽²⁾ resides at [state residence at time of making the declaration] and is [state occupation].

6. The said bill of sale was duly attested in my presence by, of [a Magistrate or a Registrar, or Assistant Registrar], who before its execution fully explained to the said the nature and effect thereof.

7. The name subscribed to the said bill of sale as that of the witness attesting the due execution thereof is in the proper handwriting of the said

8. I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Enactment, 1899.

Subscribed and solemnly declared
by the above-named at in
the State of this day of
....., 19....

Before me

.....
Magistrate.

FORM D.

DECLARATION BY GRANTEE OF RENEWAL OF REGISTRATION.

I,, of, do solemnly and sincerely declare that a bill of sale bearing date the day of, 19...., and made between of the one part and of the other part, which said bill of sale was registered on the day of, 19...., is still a subsisting security, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Enactment, 1899.

Subscribed and solemnly declared
by the above-named at in
the State of this day of
....., 19....

Before me

.....
Magistrate.

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No. 13 of 1922.

FORM E.

DECLARATION OF TRANSFER OF BILL OF SALE.

I,....., of....., do solemnly and sincerely declare that a bill of sale bearing date the.....day of....., 19..., and made between of the one part and of the other part, which said bill of sale was registered on the.....day of....., 19... (and the registration whereof was last renewed on the.....day of....., 19...), is still a subsisting security, and was by an instrument bearing date the.....day of....., 19..., transferred to..... of..... which said instrument is now produced and shown to me, marked....., and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Enactment, 1899.

Subscribed and solemnly declared
by the above-named..... at..... in
the State of..... this..... day of
....., 19....

Before me

.....
Magistrate.

Passed this 20th day of June, 1922.

A. CALDECOTT,
Clerk of Council.

No. 4366.—The following Enactment, passed at a meeting of the Federal Council held on the 20th June, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 14 OF 1922.

An Enactment to further amend "The Electricity Enactment, 1913."

F. S. JAMES,
President of the Federal Council.

[8th July, 1922.]

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows:

1. (i) This Enactment may be cited as "The Electricity Enactment, 1913, Amendment Enactment, 1922," and shall come into force on the publication thereof in the *Gazette*. Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with "The Electricity Enactment, 1913," hereinafter called the "principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

2. Section 31 of the principal Enactment is amended by adding at the end thereof the following: Amendment of section 31.

"Provided that prosecutions for the breach of any rules made under the authority of section 33 (ii) may be instituted by or at the instance of an Electrical Engineer, which expression shall have the meaning given to it in such rules."

3. Sub-section (ii) of section 33 of the principal Enactment is amended by deleting the words "and to apparatus connected therewith" in the second line thereof and substituting therefor the words "or to Government apparatus." Amendment of section 33 (ii).

Passed this 20th day of June, 1922.

A. CALDECOTT,
Clerk of Council.

No. 4367.—The following Enactment, passed at a meeting of the Federal Council held on the 20th June, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. **15** OF **1922**.

An Enactment to provide for the protection of Official Secrets.

F. S. JAMES,

[8th July, 1922.]

President of the Federal Council.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

Short title
and commence-
ment.

1. This Enactment may be cited as "The Official Secrets Enactment, 1922," and shall come into force on the publication thereof in the *Gazette*.

Interpretation.

2. In this Enactment unless the context otherwise requires—

"Chief Secretary" means the Chief Secretary to Government, Federated Malay States.

"The State" means the Federated Malay States or any of them, and "the Government" means the Government of the Federated Malay States or of any of them.

"Prohibited place" means—

- (a) any work of defence, arsenal, naval or air-force establishment or station, factory, dockyard, mine, minefield, camp, ship, or aircraft belonging to or occupied by or on behalf of His Britannic Majesty or the Government, or any telegraph, telephone, wireless or signal station, or office so belonging or occupied, and any place belonging to or occupied by or on behalf of His Britannic Majesty or the Government and used for the purpose of building, repairing, making, or storing any munitions of war, or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil, or minerals of use in time of war; and
- (b) any place not belonging to His Britannic Majesty or the Government where any munitions of war, or any sketches, models, plans or documents relating thereto, are being made, repaired, gotten, or stored under contract with, or with any person on behalf of, or otherwise on behalf of His Britannic Majesty or the Government; and
- (c) any place belonging to or used for the purposes of His Britannic Majesty or the Government which is for the time being declared by order of the Chief Secretary to be a prohibited place for the purposes of this section on the ground that information with respect thereto, or damage thereto, would be useful to an enemy; and

- (d) any railway, road, way, or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water, or electricity works or other works for purposes of a public character, or any place where any munitions of war, or any sketches, models, plans or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of His Britannic Majesty or the Government, which is for the time being declared by order of the Chief Secretary to be a prohibited place for the purposes of this section, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy.

Expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect, or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document, include the copying or causing to be copied the whole or any part of any sketch, plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article, note, or document include the transfer or transmission of the sketch, plan, model, article, note, or document;

The expression "document" includes part of a document;

The expression "model" includes design, pattern, and specimen;

The expression "sketch" includes any photograph or other mode of representing any place or thing;

The expression "munitions of war" includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, torpedo, or mine, intended or adapted for use in war, and any other article, material, or devise, whether actual or proposed, intended for such use;

"Police Officer" means any member of the Police Force not below the rank of Inspector.

3. (i) If any person for any purpose prejudicial to the safety or interests of the State—

Penalties for spying.

- (a) approaches, inspects, passes over or is in the neighbourhood of, or enters any prohibited place within the meaning of this Enactment; or
- (b) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy; or
- (c) obtains, collects, records, or publishes, or communicates to any other person any secret official code word, or pass word, or any sketch, plan, model, article, or note, or other document or information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy;

he shall be guilty of an offence under this Enactment.

OFFICIAL SECRETS.

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(ii) On a prosecution under this section, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place within the meaning of this Enactment, or anything in such a place, or any secret official code word or pass word, is made, obtained, collected, recorded, published, or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, collected, recorded, published, or communicated for a purpose prejudicial to the safety or interests of the State unless the contrary is proved.

Penalty for
harbouring
spies.

4. If any person knowingly harbours any person whom he knows, or has reasonable grounds for supposing, to be a person who is about to commit or who has committed an offence under this Enactment, or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, or if any person having harboured any such person, or permitted to meet or assemble in any premises in his occupation or under his control any such persons, wilfully omits or refuses to disclose to a Police Officer any information which it is in his power to give in relation to any such person he shall be guilty of an offence against this Enactment.

Wrongful
communication,
etc., of infor-
mation.

5. (i) If any person having in his possession or control any secret official code word, or pass word, or any sketch, plan, model, article, note, document, or information which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of this Enactment, or which has been entrusted in confidence to him by any person holding office under the Government or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under the Government, or as a person who holds or has held a contract made on behalf of the Government or as a person who is or has been employed under a person who holds or has held such an office or contract,

- (a) communicates the code word, pass word, sketch, plan, model, article, note, document, or information to any person, other than a person to whom he is authorized to communicate it, or a person to whom it is in the interest of the State his duty to communicate it, or
 - (b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interests of the State, or
 - (c) retains the sketch, plan, model, article, note, or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it, or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof, or
 - (d) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, secret official code or pass word or information;
- that person shall be guilty of an offence against this Enactment.

(ii) If any person having in his possession or control any sketch, plan, model, article, note, document, or information which relates to munitions of war, communicates it directly or indirectly to any foreign power, or in any other manner prejudicial to the safety or interests of the State, that person shall be guilty of an offence against this Enactment.

(iii) If any person receives any secret official code word, or pass word, or sketch, plan, model, article, note, document, or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the code word, pass word, sketch, plan, model, article, note, document, or information is communicated to him in contravention of this Enactment, he shall be guilty of an offence against this Enactment, unless he proves that the communication to him of the code word, pass word, sketch, plan, model, article, note, document, or information was contrary to his desire.

6. (i) If any person for the purpose of gaining admission, or of assisting any other person to gain admission, to a prohibited place, or for any other purpose prejudicial to the safety or interests of the State—

- (a) uses or wears, without lawful authority, any naval, military, air-force, police, or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or
- (b) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or
- (c) forges, alters, or tampers with any passport or any naval, military, air-force, police, or official pass, permit, certificate, licence, or other document of a similar character (hereinafter in this section referred to as an official document), or uses or has in his possession any such forged, altered, or irregular official document; or
- (d) personates, or falsely represents himself to be a person holding, or in the employment of a person holding office under His Britannic Majesty or under the Government, or to be or not to be a person to whom an official document or secret official code word or pass word has been duly issued or communicated, or with intent to obtain an official document, secret official code word or pass word, whether for himself or any other person, knowingly makes any false statement; or
- (e) uses, or has in his possession or under his control, without the authority of the Government Department or the authority concerned, any die, seal, or stamp of or belonging to, or used, made or provided by any Government Department, or by any naval, military, or air-force authority appointed by or acting under the authority of His Britannic Majesty or of the Government, or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or uses, or has in his possession, or under his control, any such counterfeited die, seal or stamp;

he shall be guilty of an offence against this Enactment.

Unauthorized use of uniforms: falsification of reports, forgery, personation and false documents.

OFFICIAL SECRETS.

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(ii) If any person—

- (a) retains for any purpose prejudicial to the safety or interests of the State any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with any directions issued by any Government Department or any person authorized by such department with regard to the return or disposal thereof; or
- (b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code word or pass word so issued, or, without lawful authority or excuse, has in his possession any official document or secret official code word or pass word issued for the use of some person other than himself, or on obtaining possession of any official document by finding or otherwise, neglects or fails to restore it to the person or authority by whom or for whose use it was issued, or to a police constable; or
- (c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale any such die, seal or stamp as aforesaid;

he shall be guilty of an offence against this Enactment.

Interfering with officers of the police or members of the forces.

7. No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede, any Police Officer, or any police constable or member of His Britannic Majesty's forces or of any local forces engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place, and, if any person acts in contravention of, or fails to comply with, this provision, he shall be guilty of an offence against this Enactment.

Duty of giving information as to commission of offence.

8. It shall be the duty of every person to give on demand to a Police Officer or to any member of His Britannic Majesty's forces or of any local forces engaged on guard, sentry, patrol, or other similar duty, any information in his power relating to an offence or suspected offence against this Enactment, and, if so required, and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information, and, if any person fails to give any such information or to attend as aforesaid, he shall be guilty of an offence against this Enactment.

Power to arrest.

9. Any person who is found committing an offence under this Enactment, or who is reasonably suspected of having committed, or having attempted to commit, or being about to commit, such an offence, may be arrested without warrant by any Police Officer.

Restriction on prosecution.

10. A prosecution for an offence against this Enactment shall not be instituted except by or with the consent of the Legal Adviser, Federated Malay States.

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Legal Adviser to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

11. (i) If a Magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Enactment has been or is about to be committed, he may grant a search warrant authorizing any person named therein to enter at any time any premises or place named in the warrant, if necessary, by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note, or document, or anything of a like nature or anything which is evidence of an offence against this Enactment having been or being about to be committed, which he may find on the premises or place or on any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence against this Enactment has been or is about to be committed.

Search warrants.

(ii) Where it appears to a Police Officer that the case is one of great emergency and that in the interest of the State immediate action is necessary, he may by a written order under his hand give to any person the like authority as may be given by the warrant of a Magistrate under this section.

12. (i) In any proceedings against a person for an offence against section 3 of this Enactment, the fact that he has been in communication with, or attempted to communicate with, a foreign agent, whether within or without the Federated Malay States, shall be evidence that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information which is calculated to be or might be or is intended to be directly or indirectly useful to an enemy.

Communications with foreign agents to be evidence of commission of certain offences.

(ii) For the purpose of this section, but without prejudice to the generality of the foregoing provision—

(a) A person shall, unless he proves the contrary, be deemed to have been in communication with a foreign agent if—

(1) He has, either within or without the Federated Malay States, visited the address of a foreign agent or consorted or associated with a foreign agent; or

(2) Either within or without the Federated Malay States, the name or address of, or any other information regarding a foreign agent has been found in his possession, or has been supplied by him to any other person, or has been obtained by him from any other person;

(b) The expression "foreign agent" includes any person who is or has been or is reasonably suspected of being or having been employed by a foreign power either directly or indirectly for the purpose of committing an act, either within or without the Federated Malay States, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without the Federated Malay States, committed, or attempted to commit, such an act in the interests of a foreign power;

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- (c) Any address, whether within or without the Federated Malay States, reasonably suspected of being an address used for the receipt of communications intended for a foreign agent, or any address at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, shall be deemed to be the address of a foreign agent, and communications addressed to such an address to be communications with a foreign agent.

Attempts,
incitements,
etc.

13. Any person who attempts to commit any offence against this Enactment, or solicits or incites or endeavours to persuade another person to commit an offence, or aids or abets and does any act preparatory to the commission of an offence against this Enactment shall be liable to the same punishment as if he had committed such offence.

Penalties.

14. (i) Any person who is guilty of an offence against section 3 of this Enactment shall be liable to rigorous imprisonment for a term of not less than three years and not exceeding fourteen years.

(ii) Any person who is guilty of an offence against sections 4, 5, 6, 7 or 8 of this Enactment shall be liable on conviction to imprisonment of either description for a term not exceeding one year or to fine not exceeding five hundred dollars or to both such imprisonment and fine.

(iii) For the purposes of the trial of a person for an offence under this Enactment, the offence shall be deemed to have been committed either at the place in which the same actually was committed, or at any place in the Federated Malay States in which the offender may be found.

(iv) In addition and without prejudice to any powers which a Court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a Court against any person for an offence under this Enactment, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the safety of the State, that all or any portion of the public shall be excluded during any part of the hearing, the Court may make an order to that effect, but the passing of sentence shall in any case take place in public.

(v) Where the person guilty of an offence under this Enactment is a company or corporation, every director and officer of the company or corporation shall be guilty of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

Passed this 20th day of June, 1922.

A. CALDECOTT,
Clerk of Council.

No. 4368.—The following Enactment, passed at a meeting of the Federal Council held on the 20th June, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. **16** OF **1922**.

An Enactment to further amend "The Poisons Enactment, 1911."

F. S. JAMES,
President of the Federal Council.

[8th July, 1922.]

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

1. (i) This Enactment may be cited as "The Poisons Enactment, 1911, Amendment Enactment, 1922," and shall come into force on the publication thereof in the *Gazette*. Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with "The Poisons Enactment, 1911," hereinafter called the "principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendment made by this Enactment.

2. Section 8 of the principal Enactment is amended by deleting therefrom all words after the word "Enactment" in the third line thereof. Amendment of section 8.

Passed this 20th day of June, 1922.

A. CALDECOTT,
Clerk of Council.

No. 4369.—The following Enactment, passed at a meeting of the Federal Council held on the 20th June, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. **17** OF **1922**.

An Enactment to amend “The Straits Settlements Loan Enactment, 1921 (No. 2).”

F. S. JAMES,

[8th July, 1922.]

President of the Federal Council.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

Short title,
commencement
and construc-
tion.

1. (i) This Enactment may be cited as “The Straits Settlements Loan Enactment, 1921 (No. 2), Amendment Enactment, 1922,” and shall come into force upon the publication thereof in the *Gazette*.

(ii) This Enactment shall be read and construed as one with “The Straits Settlements Loan Enactment, 1921 (No. 2),” hereinafter called the “principal Enactment” and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

Amendment of
preamble.

2. The preamble to the principal Enactment is amended by deleting the word “of” in the second line and substituting therefor the words “to produce as nearly as may be”.

Substituted
section 2.

3. Section 2 of the principal Enactment is repealed and the following section is substituted therefor :

“2. The Chief Secretary to Government shall from time to time borrow from the Government of the Straits Settlements the proceeds of the inscribed stock issued under the authority of Straits Settlements Ordinance No. 24 of 1921, the total amount of stock so issued being hereinafter called ‘the principal moneys’.”

Amendment of
section 4.

4. Section 4 of the principal Enactment is amended by deleting the comma and the words “charges and expenses” in the second line thereof.

Amendment of
section 6.

5. Section 6 of the principal Enactment is amended by deleting the comma after the word “costs” and the words “charges and expenses of the issue, raising and” in the first line and substituting therefor the word “of”, and by deleting the words “discount on issue and” in the second line.

Passed this 20th day of June, 1922.

A. CALDECOTT,

Clerk of Council.

No. 4370.—The following Enactment, passed at a meeting of the Federal Council held on the 20th June, 1922, is published for general information :

FEDERATED MALAY STATES.

ENACTMENT No. 18 OF 1922.

An Enactment to further amend “The Labour Code, 1912.”

F. S. JAMES,

[8th July, 1922.]

President of the Federal Council.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

1. (i) This Enactment may be cited as “The Labour Code, 1912, Amendment Enactment, 1922,” and shall come into force on the publication thereof in the *Gazette*. Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with “The Labour Code, 1912,” hereinafter called the “principal Enactment,” and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendments made by this Enactment.

2. Sub-section (ii) of section 13 of the principal Enactment is amended by deleting therefrom the words “or to imprisonment of either description for a term not exceeding one month.” Amendment of section 13 (ii).

3. Section 54 of the principal Enactment is amended by deleting the words “or to imprisonment of either description for a term not exceeding three months” in the eighth and ninth lines thereof. Amendment of section 54.

4. Section 55 of the principal Enactment is amended by deleting the words “or to imprisonment of either description for a term not exceeding three months” in the fifth and sixth lines thereof. Amendment of section 55.

5. Section 236A of the principal Enactment is amended by deleting the words “the provisions of this Chapter” in the second and third lines thereof, and by substituting therefor the following : Amendment of section 236A.

“sections 13, 54, 55, 214, 229, 230 and 232 of this Enactment.”

Passed this 20th day of June, 1922.

A. CALDECOTT,

Clerk of Council.

No. 4371.—The following Bill about to be introduced in the Federal Council is published for general information:

A BILL

intituled

An Enactment to further amend "The Railways Enactment, 1912"

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows:

Short title,
commencement
and construc-
tion.

1. (i) This Enactment may be cited as "The Railways Enactment, 1912, Amendment Enactment, 1922," and shall come into force on the publication thereof in the *Gazette*.

(ii) This Enactment shall be read and construed as one with "The Railways Enactment, 1912," hereinafter called the "principal Enactment," and any copies of the principal Enactment printed after the commencement of this Enactment may be printed with the amendment made by this Enactment.

New section
41A.

2. Immediately after section 41 of the principal Enactment there is inserted a new section as follows:

"41A. The Railway Administration shall in no case be liable for loss or injury to any articles or goods to be carried by the railway unless such loss or injury has been caused by negligence or misconduct on the part of its agents or servants."

OBJECTS AND REASONS.

The object of this Bill is to impose upon the Railway Administration the same liability in the Federated Malay States that it has by law in the Colony in case of loss or injury to articles or goods. Hitherto this liability has been different in the two countries.

KUALA LUMPUR,
9th May, 1922.

W. S. GIBSON,
Acting Legal Adviser, F.M.S.

“THE CO-OPERATIVE SOCIETIES ENACTMENT, 1922.”

RULES MADE BY THE CHIEF SECRETARY TO GOVERNMENT UNDER SECTION 42 OF “THE CO-OPERATIVE SOCIETIES ENACTMENT, 1922.”

No. 4372.—In exercise of the powers conferred on him by section 42 of “The Co-operative Societies Enactment, 1922,” the Chief Secretary to Government hereby makes the following rules :

RULES.

In these rules :

- (a) The expression “the Enactment” means “The Co-operative Societies Enactment, 1922,” and “Rules” mean rules made under the Enactment and for the time being in force.
- (b) Terms defined in the Enactment shall bear the meanings respectively assigned to them therein.

1. Subject to the provisions of section 5 of the Enactment where the liability of a member is limited by shares, no member, other than a registered society, shall hold more than one-fifth of the share capital of the society.

Members' interest.

2. Every application for the registration of a society shall be submitted to the Registrar of Co-operative Societies in the form prescribed by him or in the form contained in the schedule to these rules.

Application for Registration.

3. The application must be accompanied by two copies of the proposed by-laws of the society and by the minutes of the meeting at which the members agreed to accept all the rights, duties and liabilities prescribed by the by-laws. Both copies of the by-laws must be signed by the applicants for registration and the minutes must be signed by all the members of the society. If the society be registered, one copy shall be retained in the Registrar's office and the other shall be signed by the Registrar and returned to the society together with the certificate of registration.

4. In any case where an applicant is a registered society, the application for registration and the copies of the by-laws submitted therewith under these rules shall be signed on its behalf by the officer or officers who is or who are empowered by the by-laws of such society to sign documents on its behalf.

5. If the application or the by-laws are not in conformity with the Enactment and rules the Registrar may return them and direct any necessary alteration to be made in them.

6. In every case in which the Registrar refuses to register a society he shall record in writing the reasons for his refusal and shall communicate his decision to the applicants.

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By-laws.

7. A society shall make by-laws in respect of such of the following matters as the circumstances in each case shall require, namely:

- (a) the name and registered address of the society;
- (b) the area of its operations;
- (c) the objects for which the society is established and the purposes to which its funds may be applied;
- (d) the qualifications required for membership and the terms for admission of members;
- (e) the rights and liabilities of members;
- (f) the manner in which the capital may be raised;
- (g) the mode of appointment, suspension and removal of the committee and officers of the society and the duties and powers of such committee and officers;
- (h) the mode of summoning and conducting meetings and the right of voting;
- (i) the general conduct of the business of the society;
- (j) the rates of interest at which the society may make loans to members;
- (k) the disposal of profits;
- (l) the authorization of an officer or officers to sign documents on behalf of the society.

8. Every society may make by-laws in respect of any other matters incidental to the management of its business.

Amendment of
by-laws.

9. (1) After the registration of a society and its by-laws the society may amend the by-laws provided:

- (a) that every such amendment shall be made only in accordance with a resolution passed by a majority at a general meeting of the society;
- (b) that not less than fifteen days' notice has been given of such general meeting; and
- (c) that not less than half of the members of the society are present at such meeting;

Provided also that in the case of societies whose members reside at different places, the attendance at a general meeting may, with the approval of the Registrar, be by proxy and not in person;

Provided also that in the case of non-agricultural societies to which this provision may, by written order of the Registrar, be declared to apply, one-quarter of the members or 100 members whichever is less, present at the meeting shall be sufficient for the amendment of by-laws. But no by-laws shall be amended under this provision unless two-thirds of the members present vote in favour of the proposal.

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(2) Two copies of such amendments to the by-laws and one copy of the resolution of the general meeting passing the amendments shall be submitted to the Registrar with an application for the registration of the amended by-laws; such application shall be signed by the Chairman and two members of the committee and shall contain information as to—

- (a) the date of general meeting at which the amendments were passed;
- (b) the number of days' notice given to convene the general meeting;
- (c) the total number of members in the society at the date of such general meeting;
- (d) the numbers of members present at the meeting;
- (e) the number of members who voted in support of the amendments.

If the Registrar approves the amendments he will register them, retain one copy in his office and return the other to the society with a certificate of registration.

In this rule the term "Amendment" includes a new by-law and a resolution rescinding a by-law.

10. (1) No person shall be admitted to membership of a registered society who does not satisfy the requirements of the Enactment or who is legally or mentally disabled or who is a bankrupt or against whom a conviction stands of an offence punishable with imprisonment or, in the case of a society with unlimited liability, who is already a member of another society of unlimited liability.

Admission to membership.

(2) Any member who may at any time be found to be disqualified for any of the reasons mentioned in clause 1 above shall be removed from the society.

(3) In case of doubt, the decision of the Registrar as to whether a person is, or is not, eligible for membership of a registered society, or is, or is not, liable to removal from membership of a registered society shall be final.

(4) Every person before being admitted to the membership of a society shall sign a declaration that he will be bound by the existing by-laws of the society, and by any modification of, or addition to, such by-laws that may be legally effected during the period of his membership. A person who is already a member by reason of his having joined the application for the registration of the society, shall be required, under pain of expulsion if he refuses, to sign such declaration within one month of registration.

11. Notwithstanding anything contained in these rules or in the by-laws of a registered society as to the mode of summoning a general meeting, and the object, time and place of such meeting, the Registrar or any person authorized by the Registrar may summon at any time a special general meeting of the society in such manner and at such time and place as he may direct and may specify what matters shall be discussed by the meeting. Such meeting will have all the powers of and be subject to the same rules as a general meeting called according to these rules or the by-laws of the society.

Summoning of general meetings by Registrar.

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Borrowing
powers.

12. Subject to such limit as the Registrar may impose from time to time on its maximum borrowing powers and the maximum rate of interest to be paid on its borrowings, a registered society may borrow funds to be used in its business from members and non-members.

Subject to the limit imposed by the Registrar a registered society shall determine annually at a general meeting the maximum limit of indebtedness in respect of existing and new borrowings which may be incurred in the coming year; such limit may be modified at a subsequent general meeting.

Issue of bonds
or debentures.

13. The issue of bonds or debentures by a registered society shall be subject to such conditions as the Registrar may prescribe.

Shares not to be
hypothecated
as security.

14. The shares of the society may not be hypothecated to that society by its members as security for a loan.

Investments in
lands and
buildings.

15. With the previous sanction of the Registrar, any society may invest its funds or a portion thereof in the purchase or leasing of land or in the construction of buildings or in such other manner as may be necessary for the conduct of its business and the welfare of the co-operative movement.

Reserve fund.

16. Every registered society shall form and maintain a reserve fund to which at least one-fourth of the net profits must be carried.

17. The reserve fund of a registered society shall be indivisible and no member shall be entitled to claim any specified share in it.

18. On the dissolution of a registered society, the reserve fund shall be applied—

- (a) to discharging such liabilities of the society as may remain undischarged after the enforcement in full of the liability of the individual members of the society;
- (b) to the repayment of share capital paid up, if any;
- (c) to the payment of dividend upon such share capital at a rate not exceeding 10 per cent. per annum for any period or periods for which no dividend has been paid.

19. Any balance of the reserve fund which may remain after making the payments specified in rule 18 shall be applied to such local object or objects of public utility as may be selected by a majority of the votes of the members of the society (as they existed at the date of the dissolution) assembled in a special meeting, and approved of by the Registrar. If within three months of the dissolution of the society the members fail to make a selection which is approved of by the Registrar, the latter shall credit the above-mentioned balance of the reserve fund to the reserve fund of the co-operative society, if any, to which the society was affiliated, or, if the society was not affiliated to any other society shall place the said balance on deposit in some co-operative or other bank until a new co-operative society with a similar area of operations is registered, in which event it shall be credited to the reserve fund of such society.

Dividend.

20. In no registered society shall the rate of dividend paid on shares exceed 12 per cent. per annum without the sanction of the Registrar.

21. (1) Any member of a registered society may in writing in the presence of at least two witnesses attesting the same or by a declaration duly made nominate any person or persons to whom his share or interest or the value of such share or interest and all other monies referred to in section 22 of the Enactment that may be due to him may on the death of such member be paid or transferred under the provisions of the said section and may in similar manner from time to time revoke or vary such nomination provided that the value of the member's share or interest shall be represented by the sum actually paid by the member to acquire such share or interest unless the by-laws provide for calculation thereof otherwise.

Nominee.

(2) Every registered society shall keep a register of all persons so nominated.

(3) The nominee may become a member of the society only if admitted in accordance with the by-laws.

22. Where a member or person claiming through a member of a society is insane, and no committee of his estate or trustee of his property has been duly appointed, the society may, when it is proved to the satisfaction of the committee that it is just and expedient so to do, pay or transfer the share or interest of such member or the value of such share or interest or all other monies referred to in section 22 of the Enactment to any person whom they shall judge proper to receive the same on his behalf, whose receipt shall be a good discharge to the society for any sum so paid. In such cases the value of the member's share or interest shall be represented by the sum actually paid by the member to acquire such share or interest unless the by-laws provide for calculation thereof otherwise.

Power to deal with the property of insane or lunatic members.

23. Every registered society shall be liable to pay such audit fees as the Registrar may prescribe.

Audit fees.

24. (1) A society shall keep such accounts and books as may from time to time be prescribed or approved by the Registrar and shall publish a balance sheet annually in such manner as the Registrar may by general or special order prescribe.

Books, accounts and balance sheets.

(2) No society of which any member is a registered society shall take into consideration any balance sheet at its annual general meeting or make any distribution of its profits by way of dividend or bonus or otherwise among its members, unless and until the balance sheet (for the period during which such profits have accrued) shall have been certified to be a true and correct statement of the position of the said society by the Registrar or some person authorized by him in that behalf.

25. Every society shall from time to time furnish the Registrar with such information and with such statements and returns as may be called for by him.

Statements and returns.

26. Any dispute touching the business of a society between members or past members of the society or persons claiming through a member or past member, or between a member or past member or persons so claiming and the committee or any officer, shall be referred to the Registrar. Reference may be made by the Committee or by the society by resolution in general meeting or by any party to the dispute, or if the dispute concern a sum due from a member of the committee to the society, by any member of the society.

Disputes.

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27. The Registrar on receiving notice of such dispute, shall, at his discretion, either decide the dispute himself or shall appoint an arbitrator or shall refer it to three arbitrators of whom one shall be nominated by each of the parties to the dispute and the third shall be nominated by the Registrar who shall appoint the chairman. If any party to a dispute fails to nominate an arbitrator within fifteen days the Registrar may himself make the nomination.

28. The Registrar or the arbitrator or arbitrators shall have power to administer oaths, to require the attendance of all parties concerned and witnesses, and to require the production of all books and documents relating to the matter of the dispute, by a summons delivered orally or sent by hand or by registered post to the party's last known address or served by the nearest Civil Court having jurisdiction in the area in which the society operates and shall further have power to order the expenses of determining the dispute to be paid either out of the funds of the society or by such party or parties to the dispute as he may think fit.

29. The arbitrator appointed by the Registrar, or the arbitrators to whom the Registrar has referred a dispute shall record a brief note in English or the vernacular of the evidence of the parties and witnesses who attend and upon the evidence so recorded and after consideration of any documentary evidence produced by either side, a decision or award, as the case may be, shall be given in accordance with justice, equity and good conscience and shall be reduced to writing. In the absence of any party duly summoned to attend, the dispute may be decided against him in default. In cases where three arbitrators are appointed, the opinion of the majority shall prevail.

30. Any person duly summoned by the Registrar or arbitrator or arbitrators by summons served by a Civil Court to appear before him or them, or to produce any document, and failing to do so may be proceeded against in accordance with Chapter XVI of "The Civil Procedure Code, 1918."

31. Any party aggrieved by an award of an arbitrator or arbitrators may appeal to the Registrar within one month of the date of the award.

32. An award of the arbitrators, if not appealed against within one month, and any decision or order of the Registrar shall, as between the parties to the dispute, not be liable to be called in question in any Court and shall be in all respects final and conclusive.

33. Decisions and awards mentioned in rule 32 shall, on application to any Civil Court having local jurisdiction, be enforced in the same manner as a decree of such Court.

34. In proceedings held under rules 26 to 29 no party shall be represented by any legal practitioner, except with the permission of the Registrar or arbitrator or arbitrators.

35. For the purpose of section 26 of the Enactment a copy of an entry in a book of a society may be certified by a declaration dated and subscribed by the Chairman and Secretary of the society that it is a true copy of such entry, that such entry is contained in one of the ordinary books of the society and was made in the usual and ordinary course of business and that such book is still in the custody of the society.

36. Except for the appeal allowed under section 38 of the Appeals. Enactment, no appeal shall lie against any order of the Registrar passed in any matter dealt with in the Enactment or in the rules framed under the Enactment.

37. The following procedure shall be adopted by a liquidator Liquidation. appointed under section 41 of the Enactment:

- (a) The liquidator shall take into his custody or under his control all the books, registers, and accounts belonging to the society and all the property, effects and actionable claims to which the society is entitled.
- (b) The liquidator shall ascertain what the dues and other assets of the society and its debts and liabilities are, and shall investigate all claims against the society. The liquidator may publish in such manner as he thinks proper a notice requiring all claims against the dissolved society to be submitted to him within two months from the date of publication thereof.
- (c) The liquidator shall decide questions of priority arising between claimants and shall draw up a scheme for the payment of their dues.
- (d) The liquidator shall recover all sums and other properties to which the society is entitled and may institute such suits for that purpose or such suits incidental to the liquidation proceedings as he may think proper.
- (e) The liquidator may empower any person to make collections and to grant valid receipts on his behalf.
- (f) If the assets of the society (including the amounts recovered by the liquidator) are not sufficient to cover the costs of liquidation and to pay off the liabilities of the society, the liquidator shall:
 - (i) determine the contribution to be made by the members and past members, respectively, to the assets of the society, and
 - (ii) determine by what persons and in what proportion the costs of liquidation are to be borne.
- (g) The liquidator may apply to the Civil Court, having local jurisdiction, for the enforcement of his orders in respect of the payment of contribution and the costs of liquidation. Every such application shall be made in the same manner and (so far as may be) shall contain such particulars as is provided in the case of applications for the execution of decrees under the Civil Procedure Code.
- (h) The liquidator may from time to time revise his orders determining the amounts of contribution and the costs of liquidation, and may apply to the Civil Court for the enforcement of such revised orders or for the modifications of any application already made.

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- (i) The liquidator may send to the Civil Court for service or execution all processes for the enforcement of the attendance of witnesses and of the production of documents including all orders for the attachment of property and orders for the levy of fine made by the liquidator in exercise of the powers vested in him by section 41, sub-section (iii), of the Enactment:

Provided that all costs for serving or executing such processes shall be payable in accordance with the scale fixed for, and in the same manner as is provided in the case of process issued by a Civil Court.

- (j) The liquidator shall keep such books and accounts as may from time to time be prescribed by the Registrar, who may at any time cause such books and accounts to be audited.
- (k) The liquidator shall deposit the funds and other assets of the dissolved society which are collected by him or which may come into his possession as liquidator, in such manner and in such place as may from time to time be determined by the Registrar.
- (l) The liquidator shall every three months submit to the Registrar a report stating the progress made in winding up the affairs of the society, and shall on completion of the liquidation proceedings submit a final report and make over to the Registrar all books, registers, and accounts belonging to the society and all books and accounts relating to such proceedings kept by him.
- (m) The liquidator shall also submit such information and particulars with regard to the liquidation proceedings as may from time to time be required by the Registrar.
- (n) The Registrar shall fix the amount of remuneration, if any to be paid to the liquidator. The remuneration shall be included in the costs of liquidation which shall be payable out of the assets in priority to all other claims.

38. No appeal shall lie to any Civil Court from any order of the liquidator.

Irregular
resolutions of
societies to be
rescinded.

39. The Registrar may rescind (and order to be deleted in the records of the society) any resolution or action of an officer or a committee of a society or of a society which is in his opinion outside the objects and scope of the society as defined in the by-laws of the society, and may order the record of such resolution or act to be deleted in the records of the society.

SCHEDULE.

(See Rule 2.)

FORM OF APPLICATION FOR REGISTRATION OF A SOCIETY UNDER
"THE CO-OPERATIVE SOCIETIES ENACTMENT, 1922."

Under section 8 of "The Co-operative Societies Enactment, 1922," we, the undersigned, apply that our society may be registered as a co-operative society with ^{limited}/_{unlimited} liability under the style of..... Co-operative Society ^{limited}/_{unlimited}, the address to be registered being..... Post Office.....District.....State. We also submit the by-laws

adopted at our first general meeting at which the society was formed, duly signed for registration. A copy of the minutes of the first general meeting is attached.

LIST OF APPLICANTS.

Number.	Name in full.	Age.	Tribe, caste, class or nationality.	Occupation.	Place of residence.	Remarks.